

## **COMPLIANCE REPORT FOR GREEN BUILDING (LEED) TAX ABATEMENTS**

### **ANNUAL INSTRUCTIONS:**

Prior to March 15th: such information as the Director requires to determine whether the parcel on which the building or other structure is located is receiving another abatement or exemption pursuant to [NRS 361.045](#) to [361.159](#), inclusive, or [chapter 701A](#) of NRS from the taxes imposed on real property by [chapter 361](#) of NRS.

### **ON OR BEFORE MARCH 15<sup>TH</sup> OF THE THIRD AND EACH SUBSEQUENT YEAR AFTER THE CERTIFICATE OF ELIGIBILITY WAS ISSUED INSTRUCTIONS:**

1. Documentation of energy performance which indicates the pertinent ENERGY STAR rating or equivalent ENERGY STAR rating, annual energy reduction, annual summer peak demand reduction and, if the applicant for that certificate of eligibility: Qualified as a pre-2007 applicant, compliance with the requirements for the LEED Green Building Rating System Energy and Atmosphere Prerequisite 2 (Minimum Energy Performance)
2. A summary of the annual utility bills, including the amount of cost and usage, for each type of energy used by the building or other structure;
3. A summary of the annual water bills, including the amount of cost and usage, for the building or other structure;
4. Any documentation that, in the judgment of the Director, demonstrates compliance with the LEED Green Building Rating System.

Must submit to the Director as prescribed in subsection 3 written recertification from a third-party commissioning firm stating that the energy systems of the building or other structure are still operating in general compliance with the original project requirements, with particular focus and emphasis on certifying that the energy conservation measures upon which the original certificate of eligibility was based are still being achieved. The third-party commissioning firm providing the recertification letter should typically be the same firm that provided the original fundamental building systems commissioning or existing building commissioning services on the project.

This must be done within 60 days after the end of the third, fifth, and seventh years after the certificate of eligibility was issued if the duration of the partial tax abatement is 9 or 10 years;

Within 60 days after the third and fifth years after the certificate of eligibility was issued if the duration of the partial tax abatement is 7 or 8 years; or

Within 60 days after the third year after the certificate of eligibility was issued if the duration of the partial tax abatement is 5 or 6 years;

### **AS APPLICABLE:**

1. Notify the Director if the building or other structure is sold during the term of the partial tax abatement
2. Within 60 days after:
  - (1) The sale or other transfer of ownership of the building or other structure during the term of the partial tax abatement, the purchaser or other transferee shall designate a tax abatement coordinator for the building or other structure, and submit the name and address of the tax abatement coordinator to the Director; and
  - (2) The designation of any successor tax abatement coordinator for the building or other structure during the term of the partial tax abatement, the successor shall submit his name and address to the Director.

## NAC 701A.260

<http://leg.state.nv.us/NAC/NAC-701A.html>

### **NAC 701A.260 Submission of information regarding receipt of another abatement or exemption; designation and duties of tax abatement coordinator for building; suspension of certificate of eligibility; issuance of certificate of termination or reduction of eligibility. ([NRS 701A.110](#), § 15.5 of ch. 539, Stats. 2007)**

1. The Director may require an applicant who has been issued a certificate of eligibility pursuant to [NAC 701A.240](#) or the tax abatement coordinator for a building or other structure to which the certificate of eligibility relates to submit to the Director on an annual or other reasonable basis such information as the Director requires to determine whether the parcel on which the building or other structure is located is receiving another abatement or exemption pursuant to [NRS 361.045](#) to [361.159](#), inclusive, or [chapter 701A](#) of NRS from the taxes imposed on real property by [chapter 361](#) of NRS.

2. After a certificate of eligibility has been issued pursuant to [NAC 701A.240](#), the tax abatement coordinator for a building or other structure to which the certificate of eligibility relates:

(a) Shall:

(1) Notify the Director if the building or other structure is sold during the term of the partial tax abatement; and

(2) Provide the buyer of the building or other structure with written notice of the certificate of eligibility and a copy of the statutes and regulations regarding the owner's rights and responsibilities relating to the certificate of eligibility;

(b) Must submit to the Director as prescribed in subsection 3:

(1) Documentation of energy performance which indicates the pertinent ENERGY STAR rating or equivalent ENERGY STAR rating, annual energy reduction, annual summer peak demand reduction and, if the applicant for that certificate of eligibility:

(I) Qualified as a pre-2007 applicant, compliance with the requirements for the LEED Green Building Rating System Energy and Atmosphere Prerequisite 2 (Minimum Energy Performance); or

(II) Did not qualify as a pre-2007 applicant, compliance with the requirements for the LEED Green Building Rating System Energy and Atmosphere Credit 1 (Optimize Energy Performance);

(2) A summary of the annual utility bills, including the amount of cost and usage, for each type of energy used by the building or other structure;

(3) A summary of the annual water bills, including the amount of cost and usage, for the building or other structure; and

(4) Any documentation that, in the judgment of the Director, demonstrates compliance with the LEED Green Building Rating System; and

(c) Must submit to the Director as prescribed in subsection 3 written recertification from a third-party commissioning firm stating that the energy systems of the building or other structure are still operating in general compliance with the original project requirements, with particular focus and emphasis on certifying that the energy conservation measures upon which the original certificate of eligibility was based are still being achieved. The third-party commissioning firm providing the recertification letter should typically be the same firm that provided the original fundamental building systems commissioning or existing building commissioning services on the project.

3. The documentation required by:

(a) Paragraph (b) of subsection 2 must be submitted on or before March 15 of the third and each subsequent year after the certificate of eligibility was issued.

(b) Paragraph (c) of subsection 2 must be submitted within 60 days after the end of the:

(1) Third year after the certificate of eligibility was issued if the duration of the partial tax abatement is 5 or 6 years;

(2) Third and fifth years after the certificate of eligibility was issued if the duration of the partial tax abatement is 7 or 8 years; and

(3) Third, fifth and seventh years after the certificate of eligibility was issued if the duration of the partial tax abatement is 9 or 10 years.

4. Upon determining that the parcel on which the building or other structure is located is receiving another abatement or exemption pursuant to [NRS 361.045](#) to [361.159](#), inclusive, or [chapter 701A](#) of NRS from the taxes imposed on real property by [chapter 361](#) of NRS, the Director will notify the owner of the building or other structure and the Department of Taxation in writing that the certificate of eligibility relating to the building or other structure has been suspended, and indicate the term of the suspension.

5. Upon determining that the building or other structure may have ceased to qualify for the level of certification for which the partial tax abatement was issued, or that the owner of the building or other structure may have failed to comply with any conditions imposed by the Director in issuing the partial tax abatement, the Director will notify the owner of the building or other structure of the findings of the Director and provide the

owner a reasonable opportunity to cure any noncompliance issues included in the findings. If the owner fails to cure the noncompliance issues within the time or in accordance with the terms provided by the Director, the Director will issue a certificate of termination or reduction of eligibility, including his findings of fact, conclusions of law and order, which declares that the building or other structure has ceased to meet the standard upon which the certificate of eligibility was based, specifies the areas of noncompliance, and terminates the partial tax abatement or reduces the partial tax abatement to the level of certification for which the building or other structure qualifies. The Director will provide a copy of the certificate of termination or reduction of eligibility to the:

- (a) Owner of the building or other structure;
- (b) Chief of the Budget Division of the Department of Administration;
- (c) Department of Taxation;
- (d) County assessor;
- (e) County treasurer;
- (f) Board of county commissioners;
- (g) City manager and city council, if any; and
- (h) Commission on Economic Development.

6. A certificate of termination or reduction of eligibility issued pursuant to this section is a final order of the Director for purposes of judicial review.

7. For the purposes of this section:

(a) On or before the date of submission to the Director of proof that a building or other structure meets the equivalent of the silver level or higher of the LEED Green Building Rating System adopted by the Director, the applicant for a partial tax abatement shall designate a tax abatement coordinator for the building or other structure, and submit the name and address of the tax abatement coordinator to the Director; and

(b) Within 60 days after:

(1) The sale or other transfer of ownership of the building or other structure during the term of the partial tax abatement, the purchaser or other transferee shall designate a tax abatement coordinator for the building or other structure, and submit the name and address of the tax abatement coordinator to the Director; and

(2) The designation of any successor tax abatement coordinator for the building or other structure during the term of the partial tax abatement, the successor shall submit his name and address to the Director.

(Added to NAC by Office of Energy by R116-07, eff. 12-4-2007)